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EXAMINER

LEE, PHILIP C

ART UNIT PAPER NUMBER

2154

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/631,058

Applicant(s)

WU, BO

Examiner

Philip C Lee

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

1. This action is responsive to the amendment and remarks filed on February 11, 2004.
2. Claims 1-33 are presented for examination.
3. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.

Claim Rejections – 35 USC 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2, 4-5, 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito, U. S. Patent 6,002,772 (hereinafter Saito).
6. Saito was cited in the last office action.
7. As per claim 1, Saito taught the invention substantially as claimed for a dynamic media distribution infrastructure in order to distribute media content (figure 1; col. 6, lines 34-42), said method comprising:

performing a registration process with a directory device, said registration process comprises a first client device specifying media content to download (col. 6, lines 43-44; col. 7, lines 48-50) and which device is allowed to or restricted from copying said media content once downloaded to said first client device (col. 8, lines 52-58; col. 20, lines 49-52);

coupling said first client device to a media supplier to receive said media content (2, figure 1; col. 5, lines 16-20; col. 6, lines 43-47);

downloading said media content in an encrypted format from said media supplier to said first client device (8, figure 1; col. 7, lines 56-col. 8, lines 6);

downloading to said first client device an encryption key capable of decrypting said media content (3, 4 and 9, figure 1; col. 6, lines 61-col. 7, lines 13; col. 8, lines 14-19);

downloading said media content from said first client device to a second client device (12 and 15, figure 1; col. 8, lines 37-48; col. 8, lines 65-67); and

downloading to said second client device another encryption key (17 and 19, figure 1; col. 9, lines 8-19; col. 9, lines 32-38; col. 5, lines 30-33).

8. Saito did not specifically detailing the second client device receiving the same encryption key as the first client device. However, Saito taught the method of encrypting media content from the media supplier only with the second client device data (col. 19, lines 56-60). Therefore, an encryption key capable of decrypting the encrypted media content at the first client device is the same encryption key capable of decrypting the encrypted media content at the second client device. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify Saito's method because it would increase the efficiency of Saito's

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method by using the same encryption key for decrypting the same encrypted media content at different client devices.

9. As per claim 2, Saito taught the method substantially as claimed in claim 1 above, further comprising:

coupling said second client device to said directory device (col. 5, lines 24-30; col. 8, lines 37-47).

10. As per claim 4, Saito taught the method substantially as claimed in claim 1 above. Saito further taught wherein

said first client device receives said encryption key from said media supplier (4, figure 3; col. 14, lines 28-35; col. 14, lines 4-16).

11. As per claim 5, Saito taught the method substantially as claimed in claim 1 above. Saito further taught wherein

said first client device receives said encryption key from said directory device (3, figure 1, col. 6, lines 61-col. 7, lines 4).

12. As per claim 7, Saito taught the method substantially as claimed in claim 1 above. Saito further taught wherein

said second client device receives said encryption key from said directory device (17, figure 1, col. 9, lines 8-19).

13. As per claim 10, Saito taught the method substantially as claimed in claim 1 above. Saito further taught wherein

said media supplier comprises a third client device (col.20, lines 28-32).

14. Claims 13-14, 16-17, 19, 21, 24, 28-29 and 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito in view of Monday et al, U.S. Patent 6,263,377 (hereinafter Monday).

15. As per claim 13, Saito taught the invention substantially as claimed for providing a dynamic media distribution infrastructure in order to distribute media content (figure 1; col. 5, lines 16-20; col. 6, lines 34-42), said method comprising the steps of:

coupling said first client device to a directory device to specify media content to download (2, figure 1; col. 6, lines 43-47);

downloading to said first client device said media content in an encrypted format from a media supplier (8, figure 1; col. 7, lines 56-col. 8, lines 6);

downloading to said first client device an encryption key capable of decrypting said media content (3 and 9, figure 1; col. 6, lines 61-col. 7, lines 4; col. 8, lines 14-19; col. 5, lines 20-22);

downloading said media content from said first client device to a second client device (12 and 15, figure 1; col. 8, lines 37-48; col. 8, lines 65-67); and

downloading to said second client device another encryption key (17 and 19, figure 1; col. 9, lines 8-19; col. 9, lines 32-38; col. 5, lines 30-33).

16. Saito did not specifically detailing the second client device receiving the same encryption key as the first client device. However, Saito taught the method of encrypting media content from the media supplier only with the second client device data (col. 19, lines 56-60). Therefore, an encryption key capable of decrypting the encrypted media content at the first client device is the same encryption key capable of decrypting the encrypted media content at the second client device. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify Saito's method because it would increase the efficiency of Saito's method by using the same encryption key for decrypting the same encrypted media content at different client devices.

17. Saito did not teach supplying a list of media suppliers. Monday taught supplying a list of servers for providing applications (abstract; col. 3, lines 5-7).

18. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Saito and Monday because Monday's method of supplying a list of servers would increase the efficiency of Saito's system by allowing the client to choose a closest server to minimize the transmission time.

19. As per claim 24, Saito taught the system substantially as claimed for providing a dynamic media distribution infrastructure in order to distribute media content (figure 1; col. 6, lines 34-42), said system comprising:

a media supplier for transmitting media content that is encrypted (8, figure 1; col. 7, lines 56-col. 8, lines 6);

a first client device coupled to said media supplier and for receiving said media content from said media supplier (8, figure 1; col. 7, lines 56-col. 8, lines 6), said first client device for receiving a first encryption key for decrypting said media content (3 and 9, figure 1; col. 6, lines 61-col. 7, lines 4; col. 8, lines 14-19; col.; 5, lines 20-22);

a directory device for coupling said first client device to said media supplier (figure 3; col. 14, lines 28-35) and

a second client device coupled to said first client device and for receiving said media content from said first client device (12 and 15, figure 1; col. 8, lines 37-48; col. 8, lines 65-67), said second client device for receiving a second encryption key for decrypting said media content (17 and 19, figure 1; col. 9, lines 8-19; col. 9, lines 32-38; col. 5, lines 30-33).

20. Saito did not teach supplying a list of media suppliers. Monday taught supplying a list of servers for providing applications (abstract; col. 3, lines 5-7).

21. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Saito and Monday because Monday's method of supplying a list of servers would increase the efficiency of Saito's system by allowing the client to choose a closest server to minimize the transmission time.

22. As per claim 14, Saito and Monday taught the invention substantially as claimed in claim 13 above. Saito further taught:

coupling said second client device to said directory device (col. 5, lines 24-30; col. 8, lines 37-47).

23. As per claims 16 and 28, Saito and Monday taught the invention substantially as claimed in claims 13 and 24 above. Saito further taught wherein

said first client device receives said first encryption key from said media supplier (4, figure 3; col. 14, lines 28-35; col. 14, lines 4-16).

24. As per claims 17 and 29, Saito and Monday taught the invention substantially as claimed in claims 13 and 24 above. Saito further taught wherein

said first client device receives said first encryption key from said directory device (3, figure 1, col. 6, lines 61-col. 7, lines 4).

25. As per claims 19 and 31, Saito and Monday taught the invention substantially as claimed in claims 13 and 24 above. Saito further taught wherein

said second client device receives said second encryption key from said directory device (17, figure 1, col. 9, lines 8-19).

26. As per claims 21 and 32, Saito and Monday taught the invention substantially as claimed in claims 13 and 24 above. Saito further taught wherein

said media supplier comprises a third client device (col.20, lines 28-32).

27. As per claim 33, Saito and Monday taught the invention substantially as claimed in claim 24 above, wherein said directory device for coupling said second client device to said first client device (3, figure; col. 14, lines 28-35).

28. Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito in view of Herlin et al, U.S. Patent 5,915,021 (hereinafter Herlin).

29. Herlin was cited in the last office action.

30. As per claim 3, Saito taught the method substantially as claimed in claim 1 above. Saito did not teach said second client device receiving said encrypted media content from said first client device. Herlin taught the method of coupling said second client device to said first client device (col. 11, lines 29-40).

31. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Saito and Herlin because Herlin's method of coupling the second client device to the first client device would improve the security of Saito's method by allowing the second client device to request permission from the first client device in order to receive the encrypted media content from the first client device.

32. As per claim 6, Saito taught the method substantially as claimed in claim 1 above. Saito did not teach said second client device receives said encryption key from said first client device. Herlin taught the method of said second client device receives said encryption key from said first client device (col. 4, lines 22-33).

33. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito in view of Wiser et al, U.S. Patent 6,385,596 (hereinafter Wiser).

34. Wiser was cited in the last office action.

35. As per claim 8, Saito taught the method substantially as claimed in claim 1 above. Saito did not specifically detailing the content of the encrypted media. Wiser taught that the encrypted media content include video, audio, graphics, software, or information (col. 8, lines 11-17).

36. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Saito and Wiser because Wiser's method of including different types of media content would enhanced Saito's method by increasing the field of use for his system.

37. As per claim 9, Saito taught the method substantially as claimed in claim 1 above. Saito did not teach the type of device used as the media supplier. Wiser taught the media supplier comprises a computer (col. 6, lines 4-8).

38. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito in view of Saito, U.S. Patent 5,867,579.

39. Saito, U.S. Patent 5,867,579 was cited in the last office action.

40. As per claims 11 and 12, Saito taught the method substantially as claimed in claim 1 above. Saito, U.S. Patent 5,867,579, taught wherein said first client device is a computer, set-top-box, or digital recording/play back device (col. 23, lines 33-40).

41. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Saito because the combine teachings of Saito would effectively cover larger range of use by including more details in his systems.

42. Claims 15, 18 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito and Monday in view of Herlin.

43. As per claim 15, Saito and Monday taught the method substantially as claimed in claim 13 above. Saito and Monday did not teach said second client device receiving said encrypted media content from said first client device. Herlin taught the method of coupling said second client device to said first client device (col. 11, lines 29-40).

44. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Saito, Monday and Herlin because Herlin's method of coupling the second client device to the first client device would improve the security of Saito's and Monday's method by allowing the second client device to request permission from the first client device in order to receive the encrypted media content from the first client device.

45. As per claims 18 and 30, Saito and Monday taught the method substantially as claimed in claims 13 and 24 above. Saito and Monday did not teach said second client device receives said encryption key from said first client device. Herlin taught the method of said second client device receives said encryption key from said first client device (col. 4, lines 22-33).

46. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Saito, Monday and Herlin because Herlin's method of generating the encryption key at the first client device would improve the efficiency of Saito's and Monday's method by allowing the process of generating the encryption key at the first client device instead of the directory server and distribute to the second client device.

47. Claims 20 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito and Monday in view of Wisner.

48. As per claims 20 and 25, Saito and Monday taught the method substantially as claimed in claims 13 and 24 above. Saito and Monday did not specifically detailing the content of the encrypted media. Wiser et al taught that the encrypted media content include video, audio, graphics, software, or information (col. 8, lines 11-17).

49. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Saito, Monday and Wiser because Wiser's method of including different types of media content would enhanced Saito's and Monday's method by increasing the field of use for his system.

50. Claims 22-23 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito and Monday in view of Saito, U.S. Patent 5,867,579.

51. As per claims 22-23 and 26-27, Saito and Monday taught the method substantially as claimed in claims 13 and 24 above. Saito, U.S. Patent 5,867,579, taught wherein said first client device is a computer, set-top-box, or digital recording/play back device (col. 23, lines 33-40).

52. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Saito and Monday because the combine teachings of Saito would effectively cover larger range of use by including more details in his systems.

53. Applicant's arguments with respect to claims 1-33, filed 2/11/04, have been fully considered but are not deemed to be persuasive and are moot in view of the new grounds of rejection.

54. In the remark applicant argued that

(1) As per claims 13 and 24, Saito fails to teach a list of media suppliers for providing media content.

(2) As per claim 1, Saito fails to teach a registration process comprises a first client device specifying media content to download and which device is allowed to copy the media content once downloaded to the first client device.

55. In response to point (1), in claims 13 and 24, Saito did not teach supplying a list of media suppliers. Monday taught supplying a list of servers for providing applications (abstract; col. 3, lines 5-7). It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Saito and Monday because Monday's method of supplying a list of servers would increase the efficiency of Saito's system by allowing the client to choose a closest server to minimize the transmission time.

56. In response to point (2), in claim 1, Saito taught a registration process comprises a first client device specifying media content to download (col. 6, lines 43-44; col. 7, lines 48-50) and which device is allowed to copy the media content once downloaded to the first client device (col. 8, lines 52-58; col. 20, lines 49-52).

57. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

58. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

59. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Lee whose telephone number is (703) 305-7721.

60. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.



Philip Lee

**JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100**